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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,423	01/12/2001	Takeshi Misawa	0879-0296P	8555

2292 7590 03/13/2006

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EXAMINER
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SELBY, GEVELL V

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/758,423

Applicant(s)

MISAWA ET AL.

Examiner

Gevell Selby

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3,4,7-10,12 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,7-10 and 14-17 is/are allowed.
- 6) ☒ Claim(s) 4,12 and 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see the amendment, filed 12/20/05, with respect to the rejection(s) of claim(s) 15-17 under 35 U.S.C. 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Nagasaka et al., US 6,023,520.

2. Applicant's arguments filed 12/20/05 have been fully considered but they are not persuasive. The applicant submits that the prior art does not disclose the following limitations of the claimed invention:

1) "a choosing device that chooses displaying image reproduction with the sound and image reproduction without the sound," as claimed in claims 19 and 21;

2) "a second display that consecutively and repeatedly reviews some frames of a moving image on the image monitor when the file selected by said selecting device contains image data of the moving image," as claimed in claims 4 and 12;

3) "a first display that displays an image related to a moving image on the image monitor when the file selected by the selecting device contains image data of the moving image, wherein the image is presented in a dynamic manner," as claimed in claim 18; and

4) "providing a first display mode which displays a portion of the moving image in a dynamic manner to indicate the file represents the moving image," as claimed in claim 22. The examiner respectfully disagrees.

Examiner's Reply:

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Re claims 19 and 21) The Torres reference discloses in figure 4 a choosing device (mark key 206a), which selects the file of the image the user chooses to highlight with the box (302). If the user selects an image with a speaker icon, the device chooses image reproduction with sound and if an image is selected without a speaker beside it, the device chooses image reproduction without sound.

Re claims 4 and 12) The Morita reference discloses a second display (see figures 13, 14, or 15, element 11) that consecutively (the images are arranged one after the other in chronological order) and repeatedly (the screen continuously refreshes itself with the images on the screen until the user selects the next action) previews some frames of a moving image on the image monitor when the file selected by said selecting device (see figure 1, element 106) contains image data of the moving image (see column 11, line 38 to column 12, lines 17).

Re claims 18 and 22) The Morita reference discloses an image reproducing device that displays, in a list, icons representative of stored moving images, wherein the icon of a moving image (500) is displayed as if several icons were stacked one on top of another, to represent the time duration of the shot (see column 6, lines 33-38). The images are displayed in a dynamic manner in that the size of the image icons changes dynamically according to the length of the moving image file.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**2. Claims 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Torres et al., US 6,738,075.**

For claim 19, Torres et al., US 6,738,075, discloses an image reproducing apparatus, comprising:

a selecting device that selects a tile from a storage medium storing files of moving images (Figure 2A, item 200; Column 9, Lines 4-60; Figure 4A; The Navigational Control allows a user to navigate through the nine media types as indicated in Figure 4A. The ladder icon represents moving images and the still box icon represents still images in Figure 4A. Figure 3 shows a legend that matches the icon to its description);

a choosing device that chooses between image reproduction with the sound and image reproduction without the sound (Figure 4A, Column 9, Line 43 to column 10, line 20: the user uses the mark key 206a to choose images with or without sound for the slideshow; the microphone icon represents images with sound; Images without sound do not have the microphone icon); and

a reproducing device that reproduces the image and the sound when the choosing device chooses the image reproduction with the sound and reproduces only the image when the choosing device chooses the image reproduction without the sound (see column 11, line 49 to column 12, line 9).

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For claim 20, Torres et al., US 6,738,075, discloses all the previous limitations of claim 19, wherein:

the storage medium stores files of images without sound (see column 6, lines 39-45 column 7, lines 45-60: The images without the microphone icon which are shown in Figure 4A are images that are stored and reproduced without sound), and

the reproducing device reproduces the image and the sound only when the selecting device selects the image with the sound and the choosing device chooses the image reproduction with the sound (see column 11, line 67 to column 12, line 4).

For claim 21, Torres et al., US 6,738,075, discloses a digital camera that records and reproduces images with sound and image without sound (Figure 1, Column 6, Lines 39-45, and Figure 4A: The microphone icon represents images with sound. Images without sound do not have the microphone icon), said digital camera comprising:

a selecting device that selects a file of an image from a storage medium storing files of the images with the sound and files of the images without the sound (Figure 2A, item 200; Column 9, Lines 4-60; Figure 4A; The Navigational Control allows a user to navigate through the nine media types as indicated in Figure 4A. The ladder icon represents moving images and the still box icon represents still images in Figure 4A. Figure 3 shows a legend that matches the icon to its description);

a choosing device that chooses between image reproduction with the sound and image reproduction without the sound (Figure 4A, Column 9, Line 43 to column 10, line 20: the user uses the mark key 206a to choose images with or without sound for the slideshow; the microphone icon represents images with sound; Images without sound do not have the microphone icon); and

a reproducing device that reproduces the image and sound when the file selected by the selecting device contains image data of the image with the sound and the choosing device chooses the image reproduction with the sound and reproduces only the image when the file selected by the selecting device contains image data of the image without the sound (Figure 4A: The microphone icon represents images with sound. Images without sound do not have the microphone icon; Column 6, Lines 39-45, and column 11, line 49 to column 12, line 9: The slideshow reproduces the images and sound if any is associated with the selected images).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torres et al., US 6,738,075 in view of Morita et al., US 6,584,463.**

For claims 4 and 12, Torres et al., US 6,738,075, discloses a digital imaging device (Figure 1, item 110) that records and reproduces still images (Figure 3) and moving images (Figure 3) comprising:

a selecting device (Figure 2, item 200) that selects a file from a storage medium storing both files of still images and files of moving images (Column 7, Lines 33-50, Figure 2A, item 200, and Figure 4A; The Navigational Control allows a user to navigate through the nine media types as indicated in Figure 4A. The ladder icon represents moving images and the still box icon represents still images in Figure 4A, description);

a first display (Figure 4A, item 304) that displays a still image on an image monitor when the file selected by said selecting device contains image data of the still image (Figure 3 shows a legend that matches the icon to its a first display that displays a still image on an image monitor when the file selected by said selecting device contains image data of the still image; as indicated in Figure 3, the image shown in 304 corresponds to a frame of the still image);

a third display that displays the moving image on the image monitor if a user operates said image reproducing apparatus for moving image reproduction when the frames of the moving image are being displayed consecutively and repeatedly on the image monitor by said second display (Figure 14, column 13, lines 47-59, and column 14, Lines 1-23).



The Torres reference does not disclose that a second display that consecutively and repeatedly previews some frames of a moving image on the image monitor when the file selected by said selecting device contains image data of the moving image.

Morita et al., US 6,584,463, discloses a second display (see figures 13, 14, or 15, element 11) that consecutively and repeatedly previews some frames of a moving image on the image monitor when the file selected by said selecting device (see figure 1, element 106) contains image data of the moving image (see column 11, line 38 to column 12, lines 17).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Torres et al., US 6,738,075 in view of Morita et al., US 6,584,463, to have the second display consecutively and repeatedly preview some frames of a moving image on the image monitor when the file is selected by said selecting device, in order for the user to view the to easy find the desired section of the moving image for editing or viewing.

**5. Claims 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torres et al., US 6,738,075, in view of Nagasaka et al., US 6,023,520.**

For claim 18, Torres et al., US 6,738,075, discloses an image reproducing apparatus of a digital camera (Figure 1, Item 110) that records and reproduces still images (Figure 3) and moving images (Figure 3) comprising:

a selecting device that selects a file from a storage medium storing both files of still images and files of moving images (Figure 2A, Item 200 and Column 7, Lines 33-50 and Figure 4A; The Navigational Control allows a user to navigate

through the nine media types as indicated in Figure 4A. The ladder icon represents moving images and the still box icon represents still images in Figure 4A. Figure 3 shows a legend that matches the icon to its description);

a first display that displays an image related to a moving image on the image monitor when the file selected by the selecting device contains image data on the moving image (see column 7, line 63 to column 8, line 27: Depending on whether the moving image or still image is selected by the cursor box as shown in Figure 4B), and displays a still image on an image monitor when the file selected by said selecting device contains image data of the still image (Figure 4B, items 302 and 354, As indicated in Figure 3, the image displayed in 354 corresponds to selecting the still image 302);

a moving image reproduction setting device that sets moving image reproduction when the image related to the moving image is being displayed on the image monitor (Figure 4A and Column 7, Line 27 through Column 8, Line 27); and

(if the video image (indicated by the ladder) is selected, the device will take the user to the video-editing screen, where image reproduction is viewed (Column 13, Line 40, through Column 14, Line 40))

a second display that displays the moving image on the image monitor when the moving image reproduction is set by the moving image reproduction setting device (Figure 14, Item 440 and Column 13, Line 30 through Column 14, Line 39).

The Torres reference does not disclose wherein the image related to the moving image is presented in a dynamic manner.

Nagasaka et al., US 6,023,520, discloses a an image reproducing device that displays, in a list, icons representative of stored moving images, wherein the icon of a moving image (500) is displayed as if several icons were stacked one on top of another, to represent the time duration of the shot (see column 6, lines 33-38). The icon may also be represented as a rectangular parallelepiped, wherein the thickness of the icon in the depth direction represents the time duration (see column 6, lines 38-43).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Torres et al., US 6,738,075, in view of Nagasaka et al., US 6,023,520, to have the image related to the moving image is presented in a dynamic manner, in order for the user to easily recognize the duration of the moving image.

Regarding claim 22, Torres et al., US 6,738,075, discloses an image reproducing apparatus, comprising:

- a display device (see column 1, element 140);

- a memory (see figure 1, element 122) containing files representing still images and moving images; and

- a processor (see figure 1, element 124), operably connected to the memory and the display device, which executes instructions for:

- selectably reading a file from the memory(see column 11, lines 49-57),

- determining whether the file represents a still image or a moving image (See figure 3: the

ladder icon represents moving images and the still box icon represents still images in Figure 4A, description), providing a first display mode which displays a portion of the moving image (see figures 4A-8 and column 7, lines 26-31), and optionally providing second display mode which reproduces the entire moving image on the display device (column 11, line 67 to column 12, line 9).

The Torres reference does not disclose the first display mode, which displays a portion of the moving image in a dynamic manner to indicate the file represents the moving image.

Nagasaka et al., US 6,023,520, discloses a an image reproducing device that displays, in a list, icons representative of stored moving images, wherein the icon of a moving image (500) is displayed as if several icons were stacked one on top of another, to represent the time duration of the shot (see column 6, lines 33-38). The icon may also be represented as a rectangular parallelepiped, wherein the thickness of the icon in the depth direction represents the time duration (see column 6, lines 38-43).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Torres et al., US 6,738,075, in view of Nagasaka et al., US 6,023,520, to first display mode which displays a portion of the moving image in a dynamic manner to indicate the file represents the moving image, in order for the user to easily recognize the duration of the moving image.

***Allowable Subject Matter***

6. Claim 3, 7-10, and 14-17 are allowed.

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The following is a statement of reasons for the indication of allowable subject matter:

In regard to claims 3, 7-10, and 14, the claims are allowable for the reasons stated in the previous office action.

In regard to claim 15-17, the examiner's search of the prior art did not reveal all the limitations of claim 15, specifically, wherein the image reproduction device comprises: a first display that displays some predefined frames comprising the moving image as a multi-image...; a second display that displays the moving image of the file selected by the selecting device on the image monitor..., wherein the first and second display appear on an image monitor of a digital camera, as claimed in claim 15.

### *Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal line extending to the right.

DAVID OMETZ  
SUPERVISORY PATENT EXAMINER